

ORDINANCE NUMBER 96-5

AN ORDINANCE PROHIBITING THE DISCHARGE OR SHOOTING OFF OF ANY FIREWORKS, INCLUDING FIRECRACKERS, CANNON CRACKERS, SKYROCKETS, TORPEDOES, ROMAN CANDLES, SPARKLERS, SQUIBS, FIREBALLONS, STAR SHELLS, GERBS, HIGHWAY FLARES OR SIGNAL FLARES OF ANY TYPE, AND PROVIDING FOR PUBLIC DISPLAYS OF FIREWORKS AND PROVIDING FOR A PENALTY OF A FINE OF NOT LESS THAN \$50.00 NOR MORE THAN \$500.00 FOR ANY VIOLATION THEREOF. AND REPEALING ORDINANCE NUMBER 96-1 REGARDING THE EMERGENCY REGULATION OF FIREWORKS

A. DEFINITIONS:

1. FIREWORKS: Firecrackers, cannon crackers, skyrockets, torpedoes, roman candles, sparklers, squibs, fireballons, star shells, gerbs, or any and all articles or substances within the commonly accepted meaning of fireworks whether herein specifically designated or defined.

2. HIGHWAY FLARES/SIGNAL FLARES: Those devices so designed to provide safety for vehicular traffic or to notify rescue personnel through ground or aerial means. THE PROHIBITION OF THE USE OF THESE DEVICES IN THIS ORDINANCE APPLIES ONLY WHEN AND IF THEY ARE USED FOR REASONS OTHER THAN SAFETY OR RESCUE.

3. PERSON: Shall mean and include any natural person, association of persons, partnerships, corporations, agent or officer of a corporation.

4. FIRE MARSHAL: The Bexar County Fire Marshall or his designated representative.

NOW, THEREFORE, BE IT ORDAINED BY the City Council of the City of Somerset, Bexar County, Texas, that Ordinance Number 96-1 adopted for the emergency regulation of fireworks is hereby repealed, and the following prohibition and exceptions be adopted.

A. DISCHARGE PROHIBITED:

It shall be unlawful for any person to discharge or cause to be discharged, any fireworks of any description within the City Limits of the City Of Somerset, or any parent or guardian of any minor child who permits or allows such minor child to use, discharge, fire or otherwise set in action any fireworks shall be subject to the penalty provisions of this ordinance.

## B. SALE PROHIBITED

It shall be unlawful for any person to sell, offer for sale, or have in his possession with intent to sell any fireworks or devices as described in this ordinance from any house, vehicle road side stand or any other facility.

## C. EXCEPTIONS: SUPERVISED DISPLAYS-----PERMITS REQUIRED

Permits for the public or private display of fireworks may be granted upon approval of the City Council of the City Of Somerset after review and upon the recommendation of the Fire Marshall or his designated representative. The applicant will apply in writing to the City Council providing a certified check in the amount of one hundred dollars (\$100.00), and as a minimum the following information:

1. The name of the organization or person sponsoring the display.
2. The name of the technician along with documentation of qualifications in the use and display of fireworks for public events.
3. The date and time of day at which the display is to be held.
4. The exact location planned for the display (provide map).
5. The amount and type of fireworks to be discharged along with the approximate duration of the display.
6. The manner and place of storage of such fireworks prior to the display if storage in within the City Limits.
7. A firm commitment in writing from the Fire Department to provide Fire and First Responder coverage during the display.
8. A bond or certificate of insurance in the minimum amount of one million dollars (\$1,000,000.00) This amount may be increased or decreased by the City Council upon recommendation of the Fire Marshal or his representative.
9. A diagram of the grounds on which the display is to be held, showing the point at which the fireworks are to be discharged, the location of all building, streets, highways, telephone, power poles or other overhead obstructions, and the location of trees located within two hundred (200) yards from the point at which the audience will be restrained. Such permit shall not be granted until the Fire Marshal or his representative has determined that all conditions have been met and no hazard to persons or property is apparent.
10. No such display shall begin until appropriate fire and medical equipment and personnel are on location.

11. The technician in charge of firing the display will be responsible for terminating the display if fire and medical personnel have to leave the location for any other emergency calls, or for any other unsafe conditions such as high wind.

D. PENALTY:

Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars, (\$50.00), nor more than five hundred dollars, (\$500.00).

E. SEVERABILITY

If any provision, section, sub-section, sentence, clause or phrase, of this ordinance is for any reason held to be unconstitutional, void, or invalid, or for any reason unenforceable, the validity of the remaining portions of this ordinance shall not be effected thereby.

PASSED AND APPROVED THIS THE 14th. DAY OF NOVEMBER, 1996

ATTEST Shelley Bendel  
Interim CITY SECRETARY 12/12/96

Paul B. Culler  
MAYOR 12/12/96

APPROVED AS TO FORM Adam T. Serrata  
CITY ATTORNEY 12/17/96

ORDINANCE NUMBER 96-1

AN ORDINANCE TO ADOPT THE EMERGENCY REGULATION OF ALL FIREWORKS DUE TO THE ENHANCED DANGER OF FIRE WITHIN THE CITY LIMITS OF SOMERSET, BEXAR COUNTY TEXAS, AND PROVIDING FOR A PENALTY OF A FINE OF NOT LESS THAN \$10.00 NOR MORE THAT \$200.00 FOR ANY VIOLATION.

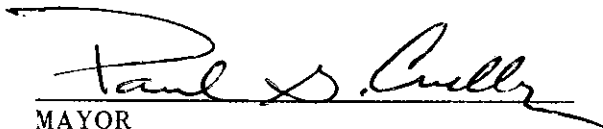
NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSET, TEXAS;

WHEREAS, The use of ANY AND ALL fireworks in the City Limits of Somerset, Bexar County Texas is prohibited from June 22, 1996 until the City Council finds that the period of enhanced, hazardous, or anticipated enhanced fire danger no longer exists. The period of prohibition shall remain in effect until terminated by the City Council, and,


WHEREAS, Any person selling fireworks in Somerset, Texas during the period this Ordinance is in effect shall provide notice to customers that this order is in effect and will be enforced, and,

NOW, THEREFORE BE IT ORDAINED, that any person who knowingly or intentionally violates this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less that \$10.00 nor more than \$200.00.

PASSED AND APPROVED THIS THE 13TH DAY OF JUNE, 1996.

  
MAYOR

ATTEST:

  
CITY SECRETARY

December 9, 1996

Somerset City Council:

RE: Fireworks Ordinance

Aldr. Marty Seel asked me to check with TML to find out what the legal requirements are on the vote for the fireworks Ordinance. At our last Council meeting Attorney Serrata advised that the ordinance could not pass. I talked to Jeanie with TML legal advisors and she told me that the Ordinance should of passed because it should be a majority of the Council members present and voting.

A handwritten signature in cursive script, appearing to read "Diane".

Diane